

laterally and lifting relative to the floor surface. There is an elastic sheet interposed between the floor surface and the tiles, having a bottom face in contact with the floor surface and an upper face in contact with backs of the tiles such that the elastic sheet prevents the tiles from moving laterally with respect to the floor surface.

The present application discloses a pre-bonded pavement marking pattern wherein a grid section and an insert section are preassembled into a unified pattern prior to any attempt to bond with a surface. The pre-bonded pavement marking pattern is sprayed with a hot melt adhesive that bonds the planar bottom portion of the grid section and insert section together to enable handling, movement, transportation and application of the pavement marking pattern to the surface to which it is to be permanently adhered. The marking pattern is heated to a preferred temperature to ensure permanently attaching the pavement marking pattern to the surface.

Dennison teaches a stabilizing body formed of plastic material that forms an egg crate configuration (Col. 2; lines 25-27) grid and insert pattern where, after embedding the grid in a roadway surface, the cells are filled with asphalt material and eventually covered with an asphalt layer. (Abstract, Col. 3; lines 23-28, 60-63; Col. 7, lines 13-19). In the present application the cells and grid are co-planar on the top and bottom such that there is no concave space, cavity or egg crate configuration for filling the cells. (Ref. Fig.4, 6, 7).

Dennison also does not teach a heating of the grid system to adhere the grid within the pavement surface (Dennison-Fig. 10). The present application teaches a unitary grid and insert system that is laid upon a top surface (Ref. Fig. 4, 6, 7) and adhered to the top surface by heat (Fig. 7). The decorative grid and insert pattern of the present application must be installed on top of the surface, thus teaching away from Dennison in that the present application does not provide for the grid to be under the surface and covered (Dennison-Fig. 10). The grid system of Dennison is a structural support system and hidden integrally within the roadway, not a decorative pattern for application to the top of a roadway as in the present application. The decorative pattern of the present application must remain visible. Dennison would have no motivation to apply the grid system to the top surface of a roadway.

Dennison also teaches a stabilizing body formed of plastic material that forms a grid and insert pattern where the base wall of the cells "...at least partially blocks the the cell on the

operative bottom side of the planar body” (Claim 2) and “...in which each base wall defines an opening therein that can serve as a drainage passage for a liquid to drain from the associated cell” (Claim 9). The present application describes a unified pavement marking with a decorative pattern and does not claim or suggest the need for a drainage hole for liquid drainage. Dennison would have no motivation, and in fact teaches away from a unitary pavement marking and provides for the existence of drainage holes to ensure moisture on the surface of the roadway is allowed to drain away from the surface of the roadway to maintain integrity of the device claimed by Dennison.

Application of the elastic sheet of Nakazawa, to the egg crate configuration with drainage holes and also being integral to a roadway, as taught by the disclosure of Dennison, would not be the same device disclosed by the present application, since the use of necessary drainage holes of Dennison teach away from the unified pavement marking of the present application as well as requiring heating the top surface of a roadway.

In reference to the above noted structural and applicable differences between the disclosure of Dennison and the present application, neither Dennison nor Nakazawa nor the combination of Dennison and Nakazawa would obviate the disclosure of the present application.

In response to detailed action wherein claims 7 and 14 are rejected under 35 USC 103(a) as being obvious over Dennison (US 7,001,102) herein referred to as Dennison, and in view of Nakazawa (US 5,238,721) herein referred to as Nakazawa and in further view of Scharpf (US 5,509,715) herein referred to as Scharpf.

Dennison discloses a stabilizing body for use in the construction of asphalt roads having a substantially rigid, planar body defining a multi-cell configuration between spaced operative top and bottom sides of the planar body, and in which the cells are defined by surrounding side walls extending from the operative top side of the body towards the operative bottom side of the body and the side walls of each cell have a plurality of projecting, continuously curved, rib formations that project therefrom, without sharp corners that can induce reflective cracks, into the space defined by the cell and that extend substantially parallel to the general plane of the body, the rib formations, in use of stabilizing body, serving to anchor an asphalt composition that is received in the cells for forming a road surface within the cells.

Nakazawa discloses a tile floor structure comprising a flat floor surface, tiles disposed thereon and a joint interposed between adjacent tiles where the tiles have a shape such that a periphery of one of the tiles is adjusted to the peripheries of adjacent tiles by a joint. The peripheries of the tiles are provided with an elastically compressible joint tape where the joint tape is a closed-cell foamed resin and the joint tape forms a joint at the peripheries of adjacent tiles in an elastically compressed condition when the tiles are applied to the flat floor surface and having elasticity when so compressed for preventing the tiles from moving laterally and lifting relative to the floor surface. There is an elastic sheet interposed between the floor surface and the tiles, having a bottom face in contact with the floor surface and an upper face in contact with backs of the tiles such that the elastic sheet prevents the tiles from moving laterally with respect to the floor surface.

Scharpf discloses a flooring having a top surface and an undersurface, for truck trailers, railroad box cars, or shipping container having a plurality of substantially parallel, wooden strips having their longitudinal edges in abutting relationship; a plastic film or fabric disposed to the undersurface of the flooring where the plastic film or fabric is permeable to vapor and impermeable to liquid and a discontinuous means for adjoining the plastic film or fabric to the undersurface of the flooring at least at the perimeter of the flooring.

Dennison teaches a stabilizing body formed of plastic material that forms an egg crate configuration (Col. 2; lines 25-27) grid and insert pattern where, after embedding the grid in a roadway surface, the cells are filled with asphalt material and eventually covered with an asphalt layer. (Abstract, Col. 3; lines 23-28, 60-63; Col. 7, lines 13-19). In the present application the cells and grid are co-planar on the top and bottom such that there is no concave space, cavity or egg crate cell configuration. (Ref. Fig. 6, Fig. 7).

Dennison also does not teach a heating of the grid system for adherence of the grid within the pavement surface (Dennison-Fig. 10). The present application teaches a unitary grid and insert system that is laid upon a top surface (Ref. Fig. 6, Fig. 7) and adhered to the top surface by heat (Fig. 7). The decorative grid and insert pattern of the present application must be installed on top of the surface, thus teaching away from Dennison. Dennison requires the grid to be under the surface and covered (Dennison-Fig. 10). The grid system of Dennison is a structural support system and hidden integrally within the roadway, not a decorative pattern for application to the top of a roadway as in the present application. The decorative pattern of

the present application must remain visible. Dennison would have no motivation to apply the grid system to the top surface of a roadway.

Dennison also teaches a stabilizing body formed of plastic material that forms a grid and insert pattern where the base wall of the cells "...at least partially blocks the the cell on the operative bottom side of the planar body" (Claim 2) and "...in which each base wall defines an opening therein that can serve as a drainage passage for a liquid to drain from the associated cell" (Claim 9). The present application describes a unified pavement marking with a decorative pattern and does not claim or suggest the need for a drainage hole for liquid drainage. Dennison would have no motivation, and in fact teaches away from a unitary pavement marking and provides for the existence of drainage holes to ensure moisture on the surface of the roadway is allowed to drain away from the surface of the roadway to maintain integrity of the device claimed by Dennison.

Application of the elastic sheet of Nakazawa, to the egg crate configuration with drainage holes and applied integrally to a roadway as taught by the disclosure of Dennison would not be the same device as disclosed by the present application in that the use of the drainage holes of Dennison teach away from the unified pavement marking of the present application. In addition ,the present application requires heating of the top surface of a roadway. Sharpf teaches an adhesive for bonding to flooring, however the present application describes adhesive bonding on the bottom surface of the grid and insert to enable transportation of the entire grid and insert as a single unitary pavement marking. This is distinctive from Sharpf in that the present disclosure requires adhesive for bonding to the top of a pavement surface.

In view of the described claimed and structural differences between the teachings of Dennison and the present application as well as the differences between the present application and those described by the combination of Dennison, Nazakawa and Sharpf, there is no motivation or suggestion that one skilled in the art would be taught the invention of the present application.

It is additionally requested that claim 26 be rejoined as agreed upon in the initial interview if the search of the article claims are found allowable.

Claims listing

Claim 1 – (Currently amended)

Claims 2-4 (Canceled)

Claims 5-6 (Previously presented)

Claim 7 (Currently amended)

Claims 8-11 (Canceled)

Claim 12 (Previously presented)

Claim 13 (Canceled)

Claim 14 (Previously presented)

Claims 15-25 (Canceled)

Claim 26 (Withdrawn)